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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

**10 BRICKLAYERS LOCAL NO. 3 PENSION
TRUST, et al.,**

Case No.: C13-4593 JSW

11 | Plaintiffs,

**PLAINTIFFS' REQUEST TO
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE;
[PROPOSED] ORDER THEREON**

**13 DONGHUA XU, individually and dba UNITED
TILE & MARBLE CO.,**

Date: January 17, 2014
Time: 1:30 p.m.
Location: 450 Golden Gate Avenue, San Francisco, CA
Courtroom: 11, 19th Floor
Judge: Honorable Jeffrey S. White

17 Plaintiffs herein respectfully submit their request that the initial Case Management
18 Conference, currently on calendar for January 17, 2014, be continued for approximately sixty (60)
19 to ninety (90) days. Good cause exists for the granting of the continuance, as follows:

20 1. As the Court's records will reflect, this action was filed on October 4, 2013 to
21 compel Defendant to comply with the terms of its Collective Bargaining Agreement.

22 2. Plaintiffs served the complaint, summons, and court documents on Defendant on
23 November 4, 2013. Defendant failed to file an answer by the deadline, and Plaintiffs requested
24 Entry of Default, which was entered by the court on December 12, 2013.

25 3. The parties have been in discussion regarding the amounts found due to Plaintiffs
26 as a result of an audit of Defendant's payroll records for the time period of October 1, 2008
27 through March 31, 2013. Defendant has provided some documentation to dispute the amounts

1 found due on the audit, and Plaintiffs have forwarded the documentation to Plaintiffs' auditor for
2 review. Defendant is in the process of obtaining additional information to provide to Plaintiffs.

3 4. Once Plaintiffs' auditor has reviewed the documentation provided by Defendant,
4 Plaintiffs will confirm or revise amounts due to Plaintiffs.

5 Accordingly, Plaintiffs respectfully request that the Case Management Conference,
6 currently scheduled for January 17, 2014, be continued for approximately sixty (60) to ninety (90)
7 days to allow time for Defendant to provide any further documentation related to the audit, and for
8 Plaintiffs' auditors to review the documentation to confirm or revise the amounts due to Plaintiffs.

9 6. There are no issues that need to be addressed by the parties at the currently
10 scheduled initial Case Management Conference. In the interest of conserving costs as well as the
11 Court's time and resources, Plaintiffs respectfully request that the Court continue the currently
12 scheduled Case Management Conference as requested above.

13 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
14 entitled action, and that the foregoing is true of my own knowledge.

15 Executed this 7th day of January 2014, at San Francisco, California.

SALTZMAN & JOHNSON
LAW CORPORATION

18 By: _____ /S/
19 Erica J. Russell
Attorneys for Plaintiffs

IT IS SO ORDERED.

21 The currently set initial Case Management Conference is hereby continued to
22 April 25, 2014 at 11:00 a.m., and all previously set deadlines and
23 dates related to this case are continued accordingly. 

Date: January 8, 2014

HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE